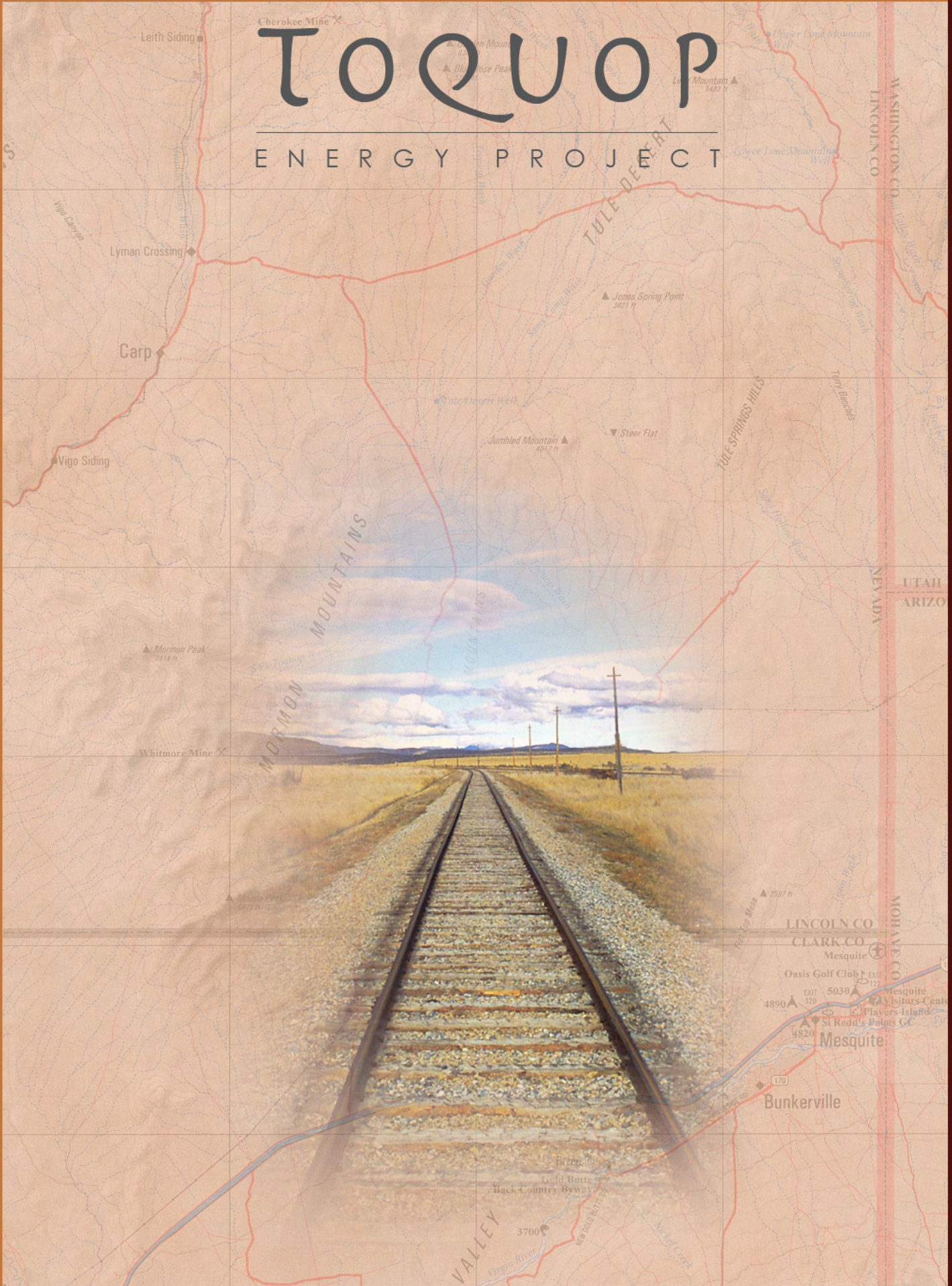


TOQUOP

ENERGY PROJECT

CHAPTER 5.0 - CONSULTATION AND COORDINATION



5.0 CONSULTATION AND COORDINATION

5.1 INTRODUCTION

Consultation and coordination with Federal and intergovernmental agencies, organizations, American Indian tribes, and interested groups and individuals are important to assure that (1) the most appropriate data have been gathered and employed for analyses and (2) agency and public sentiment and values are considered and incorporated into decision making. Throughout the preparation of this Environmental Impact Statement (EIS), formal and informal efforts were made by Bureau of Land Management (BLM) to involve these groups, primarily through the scoping process, subsequent public involvement activities, formal consultation, and public review of this Draft EIS. This chapter describes the consultation and coordination efforts for this EIS.

5.2 CONSULTATION AND COORDINATION WITH GOVERNMENTS AND AGENCIES

Coordination and collaboration on the EIS were accomplished through written and telephone communication, meetings, and other cooperative efforts between BLM and interested Federal, state, and local government agencies and tribes.

5.2.1 Cooperating Agencies

As part of scoping, Federal, state, and local agencies, and tribes that may have an interest in the Toquop Energy Company, LLC (Toquop Energy) Project EIS were invited to participate in the preparation of the EIS as cooperating agencies. A cooperating agency is any Federal, state, or local government agency or American Indian tribe that has either jurisdiction by law or special expertise regarding environmental impacts of a proposal or a reasonable alternative for a major Federal action affecting the quality of the human environment. The benefits of cooperating agency participation in the analyses for and preparation of this EIS include (1) disclosure of relevant information early in the analytical process; (2) application of available technical expertise and staff support; (3) avoidance of duplication of other Federal, state, local, and tribal procedures; and (4) establishment of a mechanism for addressing intergovernmental issues.

In March 2006, BLM sent letters inviting the cooperation of the following agencies: the Nevada Department of Wildlife, Nevada Division of Environmental Protection, the Nevada State Clearinghouse, the Nevada State Historic Preservation Office (SHPO), the U.S. Fish and Wildlife Service (USFWS), the U.S. Army Corps of Engineers, the National Park Service (Lake Mead National Recreation Area), and Lincoln County. The letter described the proposed project and project facilities and explained the need to prepare a new EIS. In response, the Nevada Department of Wildlife agreed to participate as a cooperating agency during preparation of the EIS.

BLM extended the same invitation to the U.S. Surface Transportation Board in June 2006. In October 2006, the Board agreed to participate as a cooperating agency, since there is a possibility that the Board would be required to license the proposed rail line.

5.2.2 Formal Consultation

BLM is required to prepare EISs in coordination with any studies or analyses required by the Fish and Wildlife Coordination Act (Title 16, United States Code Section 661 et seq. [16 U.S.C. 661]), Endangered Species Act of 1973 (16 U.S.C. 1531), and the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470). In addition, BLM engaged in government-to-government consultation with interested American Indian tribes.

5.2.2.1 Biological Resources

In accordance with the Endangered Species Act, formal consultation is required when the lead Federal agency determines that a proposed action may affect a listed species or designated critical habitat. The consultation process between the lead agency and USFWS results in a determination of whether the proposed action is likely to jeopardize the continued existence of a listed species or destroy or adversely modify critical habitat. The process begins with BLM's written request to initiate consultation. BLM then submits a biological assessment to USFWS, and ultimately the USFWS issues a biological opinion and incidental take statement.

The Toquop Energy Project is considered a major Federal action and, in accordance with Section 7 of the Endangered Species Act, consultation was initiated through a letter sent to the USFWS on April 21, 2006. A list of federally listed species that may occur in the vicinity of the project area also was requested of USFWS in the April letter. Representatives from USFWS and BLM's contractor met informally on June 21, 2006, to discuss potential issues in the project area and survey methods. A biological assessment was submitted to USFWS in September 2007, and further coordination will occur as needed to support the completion of the biological opinion.

5.2.2.2 Archaeological and Historic Resources

Section 106 of the National Historic Preservation Act stipulates that Federal agencies responsible for planning and implementing undertakings consult with the appropriate SHPO and other interested parties to determine if the undertaking would affect historic properties, and consider measures to avoid, reduce, or mitigate any identified adverse effects. Historic properties are districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places. Consultation for the Toquop Energy Project was initiated by the June 2007 submittal of a report to the Nevada SHPO on potential impacts on archaeological and historical resources, and will be conducted in accordance with the Nevada BLM Protocol Agreement with the Nevada SHPO. Coordination with the Nevada SHPO regarding archaeological resources and historic properties will be integrated with tribal consultation as appropriate.

5.2.2.3 Tribal Consultation

Tribes were notified officially of the proposed project through a consultation letter sent to 17 tribes on February 21, 2006. The purpose of the letter and the meeting presentation was to introduce the project to interested tribes and identify potential issues regarding the project. Information on the Toquop Energy Project also was provided to tribal representatives during a regular bimonthly coordination meeting on February 23, 2006, in Ely, Nevada. Members of the Duckwater and Ely Shoshone tribes were in attendance in addition to BLM staff and a Toquop Energy representative. Some tribes have expressed no concerns for the project, others have expressed general concern for preservation of archaeological resources, and some have expressed concern for a property of traditional cultural and religious importance known as the Salt Song Trail. BLM has requested more specific information as to a location of the trail and project-related effects on religious practitioners, but has received no additional data. At least one tribe has expressed to BLM that this trail does not extend into the area of Proposed Action Alternative.

To date, the only response to these outreach efforts has been a request by the Moapa Paiute Tribe for a site visit to address concerns about cultural sites. Representatives of BLM, the tribe, and Toquop Energy met at the site on October 12, 2006, and resolved these concerns. It was determined at that time that other issues did not require additional follow-up.

5.3 PUBLIC PARTICIPATION

Public participation has been ongoing throughout the National Environmental Policy Act (NEPA) process for this EIS and will continue until the Final EIS is completed. Both formal and informal participation by local residents, special interest groups, and interested persons has occurred via telephone calls, electronic mail, and letters.

As required by NEPA, BLM conducted scoping in the early stages of EIS preparation to encourage public participation and solicit public comments on the scope and significance of the proposed action (Council of Environmental Quality regulations, 40 Code of Federal Regulations [CFR] 1501.7). BLM initiated the scoping process in February 2006 by announcing upcoming public scoping meetings and requesting comments to determine the scope of issues and concerns that need to be considered during the analyses conducted for the EIS.

5.3.1 Notice of Intent

The public was notified of the project and upcoming scoping meetings through a notice of intent published in the *Federal Register* on February 21, 2006. The end of the scoping period, required to be a minimum of 30 days, was announced as March 23, 2006. The notice announced the intent to hold scoping meetings in Reno, Caliente, Mesquite, and Las Vegas, Nevada, and advised that specific dates, locations, and times would be announced through mail distribution and the local media. In addition, the notice provided project information including a description of proposed facilities and project location, summary of the 2003 EIS and why a new EIS is being prepared, information on how to submit comments and why they are important, and BLM contact information.

5.3.2 Newspaper and Media Announcements

The public was notified of the scoping meetings through display advertisements published in the papers listed in Table 5-1. The table provides information on the publication, area of coverage, and print dates for the advertisements. Advertisements were timed to meet the 15-day notification requirement outlined in NEPA.

Table 5-1
Display Advertisement Summary

Publication	Area of Coverage	Print Date
Lincoln County Record	Caliente, Nevada	Thursday, March 2
Desert Valley Times	Mesquite, Nevada	Friday, March 3
St. George Spectrum	St. George, Utah, and surrounding area	Friday, March 3
Reno Gazette-Journal	Reno, Nevada, metropolitan area	Friday, March 3
Las Vegas Review Journal	Las Vegas, Nevada, metropolitan area	Friday, March 3

Additionally, press releases were distributed to newspapers and other printed publication outlets, radio stations, and television stations on February 24, March 2, and March 10, 2006. A comprehensive list of media outlets that received the press release is provided in the Final Scoping Summary Report (dated June 2006).

5.3.3 Additional Public Notice

The public and many agencies were notified of the scoping period and comment opportunities through a newsletter distributed to approximately 315 people on February 24, 2006. The mailing list was developed using the BLM Ely Field Office mailing list for the previous Toquop Energy Project and was updated

with addresses of current local elected or municipal officials, Federal and state agencies, potentially interested American Indian tribes, and other interested parties. Contact information for the BLM Project Manager was included in the newsletter. The mailing list was supplemented throughout the NEPA process with people who attended the scoping meetings, notified BLM of their interest in the project through the project Web site, sent direct requests for information to BLM, or provided scoping comments. A second newsletter was sent to the recipients on the mailing list in November 2006 to provide an update on the progress of the EIS.

The project Web site (<http://www.blm.gov/eis/nv/toquop/>) has been maintained since February 2006 to provide updated project information and meeting announcements. The site provides project information including downloadable versions of the notice of intent, project newsletters, scoping meeting materials, and the Final Scoping Summary Report. The Web site provides contact information to reach project managers for BLM and URS Corporation (URS) (the contractor assisting with the EIS) directly.

5.3.4 Public Scoping Meetings

Four public scoping meetings were held for the Toquop Energy Project EIS. At each meeting, the public was informed of the NEPA process by the BLM Project Manager, and a representative from Toquop Energy provided a presentation on the proposed project. Display boards contained information on the project purpose and need, project description, planning process, purpose of the scoping process, and public comment opportunities. Before and after the presentation, an open house atmosphere was maintained during which attendees could browse the information on the boards and speak informally to representatives from the BLM, Toquop Energy, and URS.

Questions and comments were invited and discussed during and after the presentation, both as part of the presentation and in small groups and individually during the open house. These oral comments were recorded on flip charts and by individual note-takers, discussed among the project team after each meeting, and reviewed in conjunction with written comments to ensure that all issues were identified. In addition, comment forms were available at each meeting so that attendees could submit written comments at the meeting, or by mail. The locations, dates, and attendance of each public meeting are shown in Table 5-2.

**Table 5-2
Public Scoping Meeting Attendance**

Location	Date	Attendance
Caliente, Nevada – Caliente Youth Center	March 20, 2006	12
Mesquite, Nevada – City Council Chambers	March 21, 2006	59
Las Vegas, Nevada – BLM Las Vegas Field Office	March 22, 2006	36
Reno, Nevada – Meadowwood Courtyard	March 23, 2006	6
Total attendance at scoping meetings		113

All comments received during the scoping period were analyzed and documented in the Scoping Summary Report issued in June 2006. By the end of the scoping comment period, BLM had received 31 written or electronically mailed submissions. A copy of the Scoping Summary Report may be obtained from the BLM Ely Field Office or via the project Web site, <http://www.blm.gov/eis/nv/toquop/>. Table 1-2 in Chapter 1 lists the issues identified through this process, and indicates where they are addressed in this Draft EIS.

5.4 DISTRIBUTION AND REVIEW OF THE DRAFT EIS

Concurrent with the distribution of this Draft EIS, a Notice of Availability was published in the *Federal Register* announcing the availability of the draft document for public review and comment; this notice marks the beginning of the public review and comment period. BLM will hold public hearings during the review period for the purpose of soliciting and understanding public comments on the Draft EIS. Hearings will be held in Caliente, Mesquite, Reno, and Las Vegas, Nevada. Dates and addresses of these meetings are announced in the *Federal Register*, described in a third project newsletter sent to the mailing list, advertised in the local news media, and listed on the project Web site, <http://www.blm.gov/eis/nv/toquop/>.

Comments on the Draft EIS may be submitted orally or in writing at the scheduled public hearings or in writing by letter or electronic mail to BLM (as instructed in the letter to readers at the beginning of this document). To ensure consideration in the Final EIS, all written comments must be received by the close of the public comment period identified in the Notice of Availability published in the *Federal Register*. All comments received during the public review period will be compiled, analyzed, and summarized. A Final EIS will be prepared that addresses and provides responses to the comments received on the Draft EIS.

The Draft EIS was sent to the agencies and organizations listed in Table 5-3. The list of recipients was developed based on responses to the November 2006 newsletter (which included a reply mailer to request a copy of the Draft EIS) and requests received by BLM through other means. The Draft EIS also will be available on the project Web site (<http://www.blm.gov/eis/nv/toquop/>) or by request from the BLM Ely Field Office throughout the public review period. The Final EIS will be sent to those who request a copy or provide comments on the Draft EIS.

Table 5-3
List of Recipients of the Draft EIS

FEDERAL AGENCIES

- | | |
|---|---|
| <ul style="list-style-type: none">• U.S. Bureau of Indian Affairs<ul style="list-style-type: none">- Washington, D.C.- St. George, Utah• U.S. Environmental Protection Agency<ul style="list-style-type: none">- Washington, D.C.- Region IX, San Francisco, California• U.S. Mineral Management Service, Washington, D.C.• U.S. Office of Public Affairs, Washington, D.C.• Natural Resources Conservation Service, Reno, Nevada• U.S. Bureau of Land Management<ul style="list-style-type: none">- Nevada State Office, Reno, Nevada- Las Vegas Field Office- National Science and Technology Center, Denver, Colorado- Washington, D.C. Office- Arizona Strip Field Office, St. George, Utah- Battle Mountain Field Office, Battle Mountain, Nevada- Caliente Field Station, Caliente, Nevada | <ul style="list-style-type: none">- Carson City Field Office, Carson City, Nevada- Cedar City Field Office, Cedar City, Utah- Ely Field Office, Ely, Nevada- Office of Public Affairs, Washington, D.C.- St. George Field Office, St. George, Utah• U.S. Bureau of Reclamation<ul style="list-style-type: none">- Boulder City, Nevada- Washington, D.C.- Denver, Colorado• U.S. Fish and Wildlife Service<ul style="list-style-type: none">- Arlington, Virginia- Las Vegas, Nevada• U.S. Forest Service, Sparks, Nevada• U.S. Geological Survey<ul style="list-style-type: none">- Reston, Virginia- Henderson, Nevada• U.S. Division of Environmental Compliance, Washington, D.C.• National Park Service<ul style="list-style-type: none">- Fort Collins, Colorado- Washington, D.C.- Air Resource Division, Denver, Colorado |
|---|---|

- U.S. Department of Defense
 - U.S. Army Corps of Engineers
 - o Reno, Nevada
 - o St. George, Utah

STATE AGENCIES

- Nevada Commission for the Preservation of Wild Horses, Carson, City, Nevada
- Nevada Department of Transportation, Carson City, Nevada
- Nevada Department of Water Resources, Carson City, Nevada
- Nevada Division of Agriculture, Las Vegas, Nevada
- Nevada Division of Environmental Protection, Carson City, Nevada
- Nevada Division of Minerals, Carson City, Nevada
- Nevada Division of State Lands, Carson City, Nevada
- Nevada Division of State Parks, Panaca, Nevada
- Nevada Division of Wildlife
 - Pioche, Nevada
 - Las Vegas, Nevada
 - Reno, Nevada
- Nevada Natural Heritage Program, Carson City, Nevada
- Nevada State Historic Preservation Office, Carson City, Nevada
- Nevada State Clearinghouse, Carson City, Nevada
- Nevada Indian Environmental Coalition, Fallon, Nevada
- Nevada Indian Commission, Carson City, Nevada
- Southern Nevada Water Authority, Las Vegas, Nevada

LOCAL GOVERNMENTS

- Alamo Town, Nevada
- Lincoln County, Nevada
- City of Mesquite, Nevada
- City of Sparks, Nevada
- Clark County Commission, Las Vegas, Nevada
- City of Caliente, Nevada
- Sparks Planning Commission, Sparks, Nevada
- Washoe County, Nevada
- City of Los Angeles, Right-of-Way Department, Los Angeles, California
- Enterprise City Advisory Council, Las Vegas, Nevada

CONGRESSIONALS

- Honorable Kenny Guinn, Nevada State Governor
- Representative Shelley Berkley, Washington, D.C.
- Representative Jim Gibbons, Nevada
- Senator John Ensign, Nevada
- Senator Harry Reid, Nevada
- Senator Richard Bryan, Nevada

LIBRARIES

- Caliente Branch Library, Caliente, Nevada
- Mesquite Library, Mesquite, Nevada
- White Pine County Library, Ely, Nevada
- Lincoln County Library, Pioche, Nevada
- North Las Vegas Library, North Las Vegas, Nevada
- Washoe County Library, Reno, Nevada
- Las Vegas Public Library, Las Vegas, Nevada
- James R. Dickinson Library, University of Nevada, Las Vegas, Nevada

ORGANIZATIONS

- The Nature Conservancy
 - Reno, Nevada
- Nevada Mining Association, Reno, Nevada
- The Long Now Foundation, San Francisco, California
- Nevada Woolgrowers Association, Ely, Nevada
- The Trust for Public Land, San Francisco, California
- American Land Conservancy, San Francisco, California
- Animal Protection Institute, Sacramento, California
- Southwest Gas Company, Las Vegas, Nevada
- Truckee Meadows Regional Planning Commission, Reno, Nevada
- Center for Biological Diversity, Tucson, Arizona
- Fraternity of Desert Bighorn, Las Vegas, Nevada
- Friends of Nevada Wilderness, Reno, Nevada
- Grazing Advisory Board, Logandale, Nevada
- Coalition for Nevada's Wildlife, Reno, Nevada
- Keep Truckee Meadows Beautiful, Reno, Nevada
- Truckee Meadows Trails Association, Reno, Nevada
- Environmental Leadership, Reno, Nevada
- Lincoln County Regional Development Authority, Panaca, Nevada
- Western Land Exchange Project, Seattle, Washington

- Kern River Gas Transmission Company, Salt Lake City, Utah
- N-4 Grazing Board, Panaca, Nevada
- Nevada Bell Right-of-Way Department, Reno, Nevada
- Nevada Cattleman's Association, Elko, Nevada
- Wildlife Society, Nevada Chapter, Reno, Nevada
- Nevada Conservation League, Reno, Nevada
- Nevada Environmental Coalition, Las Vegas, Nevada
- Nevada Outdoor Recreation Association, Inc., Carson City, Nevada
- Nevada Power Company, Las Vegas, Nevada
- Western Resource Advocates, Carson City, Nevada
- LS Power Development, St. Louis, Missouri
- Great Basin Mine Watch, Reno, Nevada
- Sierra Club
 - Southern Nevada Group, Las Vegas, Nevada

- Legal Environmental Law Program, San Francisco, California

INDIAN TRIBES

- Kaibab Paiute Tribe
- Las Vegas Paiute Tribe
- Washoe Tribe of Nevada and California
- Yerington Paiute Tribe
- Moapa Band of Paiutes
- Paiute Indian Tribe of Utah
- Pyramid Lake Paiute Tribe
- Reno-Sparks Indian Colony

NEWSPAPERS

- *Sparks Tribune*, Sparks, Nevada
- *Reno Gazette-Journal*, Reno, Nevada
- *The Desert Valley Times*, St. George, Utah
- *The Spectrum*, St. George, Utah

5.5 PREPARERS AND CONTRIBUTORS

The primary preparers and contributors to this Draft EIS are representatives and staff of the BLM Ely Field Office, URS (BLM's contractor), and the two cooperating agencies (the Nevada Department of Wildlife and U.S. Surface Transportation Board). Individual preparers are listed in Table 5-4.

**Table 5-4
List of Preparers**

Name	Title	Responsibilities on Environmental Impact Statement
Bureau of Land Management (BLM)		
Bill Morrill (SRK Consulting)	BLM Project Manager	Project management and oversight
Jeff Weeks	Assistant Field Manager- Nonrenewable Resources	Management oversight
Jack Tribble	Deputy Assistant Field Manager - Nonrenewable Resources	Management oversight
Jane Peterson	Energy Project Manager	Management oversight
Doris Metcalf	Realty Specialist	ID team member, lands and realty
Brenda Linnell	Realty Specialist	ID team member, lands and realty
Carolyn Sherve-Bybee	National Environmental Policy Act (NEPA) Coordinator	ID team member, NEPA
Jared Bybee	Wild Horse and Burro Specialist	ID team member, wild horses and burros
Troy Grooms	Range Conservationist	ID team member, range management
Rhonda Karges	NEPA Specialist	ID team member, NEPA
Sarah McCall	NEPA Specialist	ID team member, NEPA
Bruce Winslow	Recreational Specialist	ID team member, visual resources management/wilderness
Dan Netcher	Geologist	ID team member, hydrology
Bill Wilson	Geologist	ID team member, minerals
Melanie Peterson	Environmental Protection Specialist	ID team member, hazmat
Mark Henderson	Archaeologist	ID team member, archaeology and historic preservation
Bonnie Waggoner	Noxious and Invasive Weed Coordinator	ID team member, weeds
Alicia Styles	Wildlife Biologist	ID team member, biological resources
Steve Abele (Eastern Nevada Landscape Coalition)	Wildlife Biologist	ID team member, biological resources
Bob Estes (URS Corporation)	Air Quality Resource Specialist	ID team member, air quality
Richard Butler (URS Corporation)	Environmental Planning Manager	ID Team Member, socioeconomics
URS Corporation		
Cindy Smith	Principal-in-Charge	Project oversight
Jennifer Pyne	Project Manager	Project management and oversight
Lyndy Long	Project Coordinator	Public involvement, project coordination
Sandy Weir	Senior Environmental Planner	Socioeconomic resources
Brad Norling	Senior Biologist	Biological resources
Jeff Johnson	Biologist	Biological resources

Name	Title	Responsibilities on Environmental Impact Statement
Christina White	Environmental Planner	Land use, range management, socioeconomic resources
Ryan Rausch	Environmental Planner	Recreation and access, wilderness and special management areas
Anita Richardson Frijia	Geographer and Environmental Planner	Geographic information systems lead, visual resources
Jen Wennerlund	Geographic Information Systems (GIS) Manager	Geographic information systems
Deborah Glogoff	GIS Analyst	Geographic information systems
David Lawrence	Visual Simulation/ Multimedia Specialist	Visual simulations
Richard Knox	Senior Environmental Planner	Visual resources
Brad Sohm	Air Quality Analyst	Air quality
Rob Greene	Noise and Vibration Practice Leader	Noise
David Palmer	Geologist	Geology, soils, and minerals
Mike Kelly	Archaeologist	Archaeology and historic preservation
Michelle Stegner	Archaeologist	Archaeology and historic preservation, paleontological resources
Karen Modesto	Engineer	Groundwater resources
Stephanie Pesek	Environmental Planner	Jurisdictional delineation, surface water resources
Scott Ball	Engineer	Surface water resources, public safety and hazardous materials
Sara White	Senior Environmental Planner	Technical review, groundwater and surface water resources
Maggie Fulton	Editor	Document editing
Mitch Meek	Graphic Design	Graphics
COOPERATING AGENCIES		
Brad Hardenbrook	Supervisory Habitat Biologist, Southern Region, Nevada Department of Wildlife	Cooperating agency representative
Christa Dean	Attorney, Section of Environmental Analysis, Surface Transportation Board	Cooperating agency representative